

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter A. General

§3905. Definitions

A. The following terms as used in these regulations, unless the context otherwise requires or unless redefined by a particular part hereof, shall have the following meanings.

* * *

Compressed Gas—~~as defined in 49 CFR 173.115(b)~~ any material (or mixture) which exerts in the packaging a gauge pressure of 200 kPa (29.0 psig/43.8 psia) or greater at 20°C (68°F).

* * *

Discharge—the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by-passing, or other escaping of pollutants on or into the air, waters of the state, or the ground. A release shall not include a federal or state permitted release ~~or a release that could not reasonably be expected to escape the confinement of the facility or to an area which the general public has unrestricted access.~~

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Flammable Liquid—as defined in 49 CFR 173.120.

* * *

Release—the accidental or intentional spilling, leaking, pumping, pouring, emitting, escaping, leaching, or dumping of hazardous substances or other pollutants into or on any land, air, water, or groundwater. A release shall not include a federal or state permitted release ~~or a release that could not reasonably be expected to escape the confinement of the facility or to an area which the general public has unrestricted access.~~

* * *

Unauthorized Discharge—a continuous, intermittent, or one-time discharge, whether intentional or unintentional, anticipated or unanticipated, from any permitted or unpermitted source which is in contravention of any provision of the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exception of the administrative authority.

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~~(Discharge is defined in this Section as the placing, releasing, spilling, percolating, draining, pumping, leaking, mixing, leaching, migrating, seeping, emitting, disposing, by passing, or other escaping of pollutants on or into the air, waters, subsurface water or the ground.) A release shall not include a federal or state permitted release.~~

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AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 30:2060(H), 30:2076(D), 30:2183(I), 30:2204(A) and 30:2373(B).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), amended by the Office of Secretary, Legal Affairs Division, LR 33:2080 (October 2007), LR 33:2627 (December 2007), LR 36:1242 (June 2010), amended by the Office of the Secretary, Legal Division, LR 42:**.

Subchapter C. Requirements for Non-Emergency Notification

§3917. Notification Requirements for Unauthorized Discharges That Do Not Cause Emergency Conditions

A. **Except as noted in Subsection D below, i**n the event of an unauthorized discharge that exceeds a reportable quantity specified in Subchapter E of this Chapter, but that does not cause an emergency condition, the discharger shall promptly notify DPS by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) within 24 hours after learning of the discharge.

B. - C. ...

D. In the event an unauthorized discharge that does not cause an emergency condition exceeds a reportable quantity specified in LAC 33:I.3931.A.1.c, LAC 33:I.3931.A.1.d, LAC 33:I.3931.B.2, or LAC 33:I.3931.B.3, but no other reportable quantity specified in Subchapter E of this Chapter, the discharger shall promptly notify DPS as described in Subsection A of this Section only if the discharge could reasonably be expected to escape the confinement of the facility or to an area to which the general public has unrestricted access.

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Subchapter E. Reportable Quantities for Notification of Unauthorized Discharges

§3931. Reportable Quantity List for Pollutants

A. Incorporation by Reference of Federal Regulations

1. Except as provided in Subsection B of this Section, the following federal reportable quantity (RQ) lists are incorporated by reference:

a. 40 CFR 117.3, July 1, 2009¹~~56~~, Table 117.3—Reportable Quantities of Hazardous Substances Designated Pursuant to Section 311 of the Clean Water Act; and

b. 40 CFR 302.4, July 1, 2009¹~~56~~, Table 302.4—List of Hazardous Substances and Reportable Quantities;

c. 40 CFR 355, July 1, 201~~56~~56, Appendix A—The List of Extremely Hazardous Substances and Their Threshold Planning Quantities; and

d. 49 CFR 172.101, July 1, 201~~56~~56, Appendix A—List of Hazardous Substances and Reportable Quantities.

2. ~~Notification Requirements.~~The following administrative reporting exemptions are hereby incorporated by reference:

a. 40 CFR 302.6~~(d) and (e)~~, July 1, 2009¹~~56~~—Notification Requirements; and

b. 40 CFR 355.40~~(a)(2)(vii)~~³¹, July 1, 2009¹~~56~~—Emergency Release Notification.; and

c. LAC 33:V.10111.E.1.b-d, July 1, 201~~56~~56.

B. Modifications or Additions:

1. The following table contains modifications to the federal reportable quantity RQ lists incorporated by reference in Subsection A of this Section, as well as reportable quantities RQs for additional pollutants. If a pollutant is listed with more than one reportable quantity, the lower value reportable quantity shall be used.

Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Acetaldehyde	Acetic aldehyde	75070	U001	700
Allyl chloride	3-Chloropropene	107051		1000/10 ^{6a}
Aniline	Aminobenzene	62533	U012	5000/1000 ^{6a}

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Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Antimony*		7440360		5000/100 ⁶
Antimony compounds		20008		100
Barium*		7440393		100
Barium compounds		20020		100
Brine from Solution Mining				5000
n-Butyl alcohol	1-Butanol	71363	U031	5000/1000 ⁶
Carbonic dichloride	Phosgene	75445	P095	10/1 ⁶
Chlorinated dibenzo furans, all isomers				1
Chlorine dioxide	Chlorine oxide	10049044		1
Chromium ³ *		7440473		5000/100 ⁶
Chromium compounds		20064		100
Copper ³		7440508		5000/100 ⁶
Copper compounds		20086		100
Cumene	Isopropyl benzene	98828	U055	5000/1000 ⁶
Ethyl acrylate	2-Propenoic acid, ethyl ester	140885	U113	1000/10 ⁶
Ethylene	Ethene	74851		5000 [#] or 100 [†]
Glycol ethers**				100
Hexane	Hexyl hydride	110543		5000/1000 ⁶
Hydrogen chloride	Hydrochloric acid	7647010		5000/1000 ⁶
Hydrogen fluoride	Hydrofluoric acid	7664393	U134	100/10 ⁶
Manganese*	Colloidal manganese	7439965		100
Manganese compounds				100
Methyl acrylate	2-Propenoic acid methyl ester	96333		10
Methyl ethyl ketone (MEK)	2-Butanone	78933	U159	5000/1000 ⁶
Methyl isobutyl ketone	4-Methyl 2-pentanone	108101	U161	5000/1000 ⁶
Methylmercaptan	Methanethiol	74931	U153	100/25 ⁶
Methyl methacrylate	2-Methylacrylic acid methyl ester	80626	U162	1000/100 ⁶
Methylene diphenyl diisocyanate	Methylene bisphenyl isocyanate	101688		1000

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Pollutant	Synonym	CAS No. ¹	RCRA ² Waste Number	Pounds
Nitric acid	Hydrogen nitrate	7697372		1000/100 [@]
Oil				1 barrel
Phthalic anhydride	1,3- Isobenzofurandione	85449	U190	5000/1000 [@]
Polynuclear aromatic hydrocarbons ***				‡
Produced water				1 barrel
Propionaldehyde	Propionic aldehyde	123386		1000/100 [@]
Propylene	Propene	115071		100 [†]
Sulfur dioxide				500
Sweet pipeline gas (Methane/Ethane)				42000 (1,000,000 scf)
Vinyl acetate	Vinyl acetate monomer	108054		5000/100 [@]
Volatile organic compounds not otherwise listed ⁴				5000
Only those highly reactive volatile organic compounds listed below: ethylene and propylene. ⁵				100 [†]
F003 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F003	100
Methyl isobutyl ketone		108101		5000/1000 [@]
n-Butyl alcohol		71363		5000/1000 [@]
F005 The following spent non-halogenated solvents and the still bottoms from the recovery of these solvents:			F005	100
Methyl ethyl ketone		78933	U159	5000/1000 [@]

* No reporting of releases into the ambient air of this metal is required if the diameter of the pieces of solid metal released is equal to or exceeds 100 micrometers (0.004 inches).

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~~*** This reportable quantity is applicable to the aggregate emissions of the following glycol ethers: ethylene glycol monomethyl ether (CAS Number 109864), ethylene glycol monomethyl ether acetate (CAS Number 110496), ethylene glycol monoethyl ether (CAS Number 110805), ethylene glycol monoethyl ether acetate (CAS Number 111159), diethylene glycol dimethyl ether (CAS Number 111966), and ethylene glycol dimethyl ether (CAS Number 110714). All other glycol ethers are subject to the federal RQ, if applicable, that is incorporated by reference in LAC 33:I.3931.A.~~

~~*** The emissions of all Polynuclear Aromatic Hydrocarbons (PAHs), excluding any PAHs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded.~~

~~¹ Chemical Abstracts Service Registry Number.~~

~~² Resource Conservation and Recovery Act of 1976, as amended.~~

~~³ Prompt notification of releases of massive forms of these substances is not required if the diameter of the pieces of the substance released is equal to or exceeds 100 micrometers (0.004 inches).~~

~~⁴ The emissions of all volatile organic compounds (VOCs), excluding any VOCs otherwise listed, shall be totaled to determine if a reportable quantity has been exceeded. VOC is defined in LAC 33:III.111, and exempt compounds are listed in LAC 33:III.2117.~~

~~⁵ The emissions of these highly reactive VOCs shall be totaled to determine if an RQ has been exceeded.~~

~~[@] The first RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into or onto all media within any consecutive 24-hour period. The second RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere.~~

~~[†] The RQ listed denotes the reportable quantity that will apply to unauthorized emissions based on total mass emitted into the atmosphere for facilities in the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.~~

~~[#] RQ for the state except the following parishes: Ascension, East Baton Rouge, Iberville, Livingston, West Baton Rouge, St. Charles, St. James, St. John the Baptist, Pointe Coupee, and West Feliciana.~~

2. The RQ for any material on which maintenance of a Material Safety Data Sheet (MSDS) is required under the Occupational Safety and Health Administration's Hazard Communication Standard as found in 29 CFR 1910.1200 et seq. and that does not appear on any of the lists incorporated by reference in Subsection A of this Section or in the table set forth in Subsection B of this Section shall be 5000 pounds, except that the RQ for all:

- a. compressed or refrigerated flammable gases shall be 100 pounds;
- b. flammable liquids shall be 100 pounds; and
- c. other liquids requiring maintenance of an MSDS shall be 1000 pounds.

3. Notwithstanding Subparagraph B.2.a of this Section, for facilities that meet the criteria described in LAC 33:V.10111.E.2, the RQ for compressed or refrigerated flammable gases shall be 1000 pounds.

4. The controlled release of hydrogen for maintenance, during the start-up or shutdown of industrial equipment, or for other purposes is not reportable provided the release cannot be reasonably expected to affect the public safety beyond the boundaries of the facility.

C. ...

D. State Hazardous Material Reportable Quantity Exemptions

1. LAC 33:V.10111.E.13.b-d.

E. Spill Prevention and Control. The provisions of LAC 33:IX.Chapter 9 shall not apply to those substances listed in LAC 33:I.3931.A.1.c, LAC 33:I.3931.A.1.d, or LAC 33:I.3931.B.2, but in no other reportable quantity list specified in Subchapter E of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), 2060(H), 2076(D), 2183(I), 2194(C), 2204(A), and 2373(B).

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